

CONSTITUTION REFORM SUGGESTIONS 2013

BY

DONALD BERMENT.

Feedback/Opinion Form at Page 8 below.

This is needed to solicit support for the changes.

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MAY 2013
CONSTITUTION REFORM SUGGESTIONS (Act 4 of 1976)
By Donald D. Berment, Sec. MAVAW/PA to Minister/HS.

Based on my 4 Decade plus Research in Housing and Settlement Development Matters in the Diego Martin Area, my 2 Decade plus psychosocial work in violence reduction, especially violence against women, with the NGO Men Against Violence Against Women (MAVAW) and my recently completed 3 year contract as Personal Assistant to Minister Winston “Gypsy” Peters, I have formed the opinion that our 1976 Constitution of the Republic of Trinidad and Tobago, Act No 4 of 1976 needs adjustment in order to example 3 major **GOALS** viz. :-

- 1. GENDER EQUITY**
- 2. DEMOCRATIC RESPONSIBILITY AND**
- 3. YOUTH INVOLVEMENT AKA. SUCCESSION PLANNING.**

Suffice it to say that the historic low turnout of our voting population over the years, the negligent manner in which we do not recognize women as an equal contributor to the National Development Process, alongside the absence of more young persons seeking Parliamentary positions, all of the above having strong evidence bases, altogether underpins the following suggestions for adjusting our present Constitution Act No 4 of 1976.

1. GENDER EQUITY

- (i)** All references to he, him, his, himself and man must be changed to remove that gender bias/gender blindness to he/she, him/her, his/her, himself/herself and men/women or reword the sections to remove any gender identification, wherever possible.
- (ii)** Section 39 must now read as follows “There shall be a Parliament of Trinidad and Tobago which shall consist of the President, the Vice President, the Speaker, the Deputy Speaker, a 41 seat Senate and a 41 seat House of Representatives which altogether after a General Elections shall be constructed so that no gender is represented by less than 45% in its total composition (methodology to achieve this is explained below in Goal 2 Democratic Responsibility (iii) to (vii)).

(iii) The enshrined right 4 (c) of Part 1 Chapter 1 i.e. “the right of the individual to respect for his private and family life” must be recognized as providing protection against discrimination to such individuals for their sexual orientation and family life thereof, amending any other law which contravenes said right 4 (c).

(iv) An adjustment has to be made to paragraph (a) in the Preamble by adding “, **women**” after “free men” and “**inclusive of free will, the right of choice**” after “their Creator”.

(v) The **Holy Bible** notes that **God** gave **Commands** and made **Statements** on different issues, understanding at all times that we were given free will to choose to follow those **Commands**, or adhere to those **Statements** personally. Therefore any person who stands up and speaks as if they were given specific **Directions from God personally** or have **been chosen personally by God to take Actions** on these **Commands** or **Statements**, as it relates to another person’s behaviour, should be asked to declare, when and where those **Directions** were given by **God** and also when and where **God** chose them to take such **Actions**.

2. DEMOCRATIC RESPONSIBILITY.

(i) **General Elections** must be held every five (5) years at the end of June and be for the Parliament as suggested in **GOAL 1 (ii)** above.

(ii) **Local Elections** must be held every four (4) years at the end of June and shall follow in similar mode as **General Elections** in order to achieve **Gender Equity**, with the final composition of each City, Borough and Regional Corporation having no less than 45% of each gender represented in its total composition.

(iii) The methodology for a successful **Gender Equitable Parliament, City, Borough and Regional Corporation** is to have a man and woman pair of Candidates in each Constituency at **General Elections** and in each Electoral District at **Local Elections** by all Political parties and Independents. Within 3 days after both Elections, meetings by all Political parties, Candidates and Independents, shall determine what the final composition in **Parliament** and **Local Elections** shall be, with the aim to achieve no less than 45% of any gender being represented.

(iv) In the instance of a **General Election**, the winning pair, either from a Political party or Independents, collecting the largest number of votes in each Constituency shall have one (1) person going to the 41 seat House of Representatives as the **Member of Parliament** and the other person going into their main Constituency Office as Manager/Research Officer, paid by Parliament.

(v) The losing pair either from a Political party or Independents, getting the second largest number of votes in each Constituency shall have one (1) person going to the 41 seat Senate as a **Senator** and the other person going into their main Constituency Office as another Manager/Research Officer, paid by Parliament.

(vi) In the said **General Election**, a man and woman pair, not belonging to any Political party, shall offer themselves for the Presidency and Speaker positions. The winning pair for Presidency shall produce a President of the Republic of Trinidad and Tobago and a Vice President, who will also be the President of the Senate. The Vice President of the Senate shall be chosen as the Senate's first act on commencement. The winning pair for the Speaker position shall produce the Speaker of the House of Representatives and a Deputy Speaker of the said House of Representatives, respectively. These can be chosen in the final mix to achieve the **Gender Equitable Goal**.

(vii) In the instance of a **Local Election** the winning pairs from a Political party, collecting the largest number of votes from all the Electoral Districts shall have a **Councillor** from each District won and choose from the other persons in the winning pairs a **Chairman** or **Mayor** of the Corporation, Borough or City respectively. Aldermen shall be chosen from the persons, either from Political parties or Independents collecting the second largest number of votes, bearing in mind that the overall objective is to achieve no less than 45% of any gender being represented in the final composition of the City, Borough or Regional Corporation.

(viii) All Committees of the Senate and House of Representatives shall be formulated in the first instance from the Candidates who face General and Local Elections, either from Political parties and as Independent pairs and are not placed elsewhere. This includes the Candidates for President, Vice President, Speaker and the Deputy.

(ix) The people's right to be governed justly and in time is hindered by the length of time **Bills** which are passed by the **House of Representatives** and the **Senate** are Assented to by the **President**. Therefore, in the first instance, a Committee of six (6) persons shall be appointed from Candidates who acquired a reasonable amount of votes at **General Elections**, to advise the **President** on **Bills** needing his Assent. In the second instance, another Committee of six (6) persons shall be appointed from Candidates who also acquired a reasonable amount of votes at **General Elections**, to advise the President on Reports needing his attention, before being laid in **Parliament**.

(x) If the **President** withholds his Assent, the reasons must be conveyed to **Parliament** within one (1) month of that decision. Thereafter, both houses of **Parliament** shall deliberate on the **President's** reasons, either agreeing with them, amending the legislation, or disagreeing with them and Assenting to the **Bill** by "**Special Privilege**" of **Parliament**, making it law. Under no circumstances must any Bill stay without Assent longer than **six (6) months**, in a state of non-attention.

3. **YOUTH INVOLVEMENT AKA. SUCCESSION PLANNING.**

(i) The consciousness and responsibility to engage the young minds and hearts of developing Trinidad and Tobago must be clearly evident and amplified in the way we chart the Constitutional Path for the **Best Practice Democratic Growth** in our twin-island State.

(ii) Firstly, building on our above mentioned **Gender Achievement** of the man and woman **Candidate Pair Representation** at **General** and **Local Elections**, the age limit at (section 23) of thirty five (35) years for qualifying to be the **President** of the Republic of Trinidad and Tobago shall be reduced to thirty (30) years.

(iii) Secondly, the age limit for qualifying to be a **Senator** (at Section 41) shall be reduced to twenty one (21) years from twenty five (25) years.

(iv) (Section 47) states that the qualifying age to be elected as a member of the **House of Representatives** is eighteen (18) years. This age set can remain, but if a difficulty arises to place losing

Candidates at General Elections in the **Senate** who are eighteen (18) years of age, the qualifying age can move from (18) to twenty one (21) years.

(v) In the instance of the appointment of persons to the **Special Offices** noted in (Section 135 and 136), the **Ambassadors. The High Commissioners and Principal Representatives of Trinidad and Tobago** in any other country, the age set to vacate such Special Office, should move from sixty five (65) to seventy five (75), but if such persons can provide medical evidence of above average good health, the age to vacate can be set to eighty (80) years.

(vi) Every person contesting either the **General or Local Election**, or considering being a member of the **Personal Staff of Ministers, Members of Parliament and Parliamentary Secretaries** shall attend not less than 90% of a Training Programme during the first three (3) months, January to March, in every Election year. This Training Programme shall be of ninety (90) hours duration, one (1) day per week, for three (3) hours, for thirteen (13) weeks, minimum. The content designed to provide a thorough understanding of the day to day responsibilities/operations in Parliament, Cabinet, Constituencies, Ministries and the President's Office. The April to June period in the same Election year shall be reserved for Election Campaigning.

(vii) All Committees of the **Senate**, the **House of Representatives** etc. shall be formulated from the other pairs of **Candidates**, who contest the **General Elections**, obtaining five (5) to ten (10) percent of the total votes, as the first option.

(viii) All **Elected Representatives** from both the **General and Local Elections** shall be allowed to serve for two (2) consecutive **Terms** or ten (10) years, **General** and eight (8) years **Local**, whichever is applicable. A period of two (2) **Terms** or ten (10) years, whichever is applicable, shall pass before the said **Elected Representatives** can offer themselves as **Candidates** in another **General or Local Election**, giving maximum opportunity for **Youth Involvement** aka. **Succession Planning**.

(ix) The remuneration packages for all **Personal Staff** shall be made commensurate with the duties to be performed whilst directing that all the relevant equipment and software be supplied to them as needed.

(x) The power of **Service Commissions** to retire persons in the public interest as exemplified at (Section 123 Clause 8 Sub clause (e) (ii)) should be removed. This is a very efficient way to destroy the future employment prospects of such persons, especially in the absence of Employment Assistant Programmes (EAP's), in most State Institutions. More damaging is the status and stigma of being a danger to the public interest, which eventually impinges on their social life, self-esteem, self-confidence and marital prospects. Having that personal experience, being retired in the public interest at age 30 years, primarily because of an intimate relationship I had with a staff member who was being courted by the Chief Executive Officer of the National Housing Authority at that time, I can testify to the damage done by a State Authority classifying a person as unfit to work for the public. The only redeeming factor in that action is the time available to do research, for one so inclined, but this can be limited to Developmental Research work, as the money for publishing material is still unavailable.

(xi) Finally, every citizen, on attaining the age of sixty (60) years in the Republic of Trinidad and Tobago should not have his/her pension, up to ten thousand dollars (10,000TT) attached to any other income they derive for tax purposes.

All of the above, in my humble view shall produce a Constitution relevant to the vibrancy, energy and potential of our population, allowing for maximum people participation at **General** and **Local Elections** and give the people the power to have their own choices of **Representatives**, a positive step towards **BEST PRACTICE DEMOCRACY**, making Trinidad and Tobago a Role Model Nation in the annals of the growth of Democracy.

Signed.....Sec MAVAW/PA to Minister/HS, NGA.

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FEEDBACK/OPINION PAGE.

Occupation:

Age (optional):

Sex: Male

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Female

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Please give your comments on the 3 Major Goals described from page 2 to 7.

1. GENDER EQUITY:

2. DEMOCRATIC RESPONSIBILITY:

3. YOUTH INVOLVEMENT AKA. SUCCESSION PLANNING:

THANK YOU FOR YOUR KIND ATTENTION